

BikeMarylandetal-FAV-SB385VRUSafety-Penalties20250

Uploaded by: Jon Korin

Position: FAV



SB385 – Vehicle Laws - Injury or Death of Vulnerable Individual - Penalties

Senate Judicial Proceedings Committee

January 31, 2025

Position: Favorable

Greetings Chair and Members of the Committee,

Our mission is to promote bicycling, increase safety, improve conditions, and provide a voice for bicyclists in Maryland. We partner with advocacy organizations to promote vulnerable road user safety legislation on the state and county level and work with government agencies, including police departments, to develop policy and awareness campaigns that protect the rights and well-being of bicyclists and pedestrians in Maryland.

We the undersigned represent multiple community-based organizations advocating for safe biking, walking and active transportation, submit this testimony on behalf of tens of thousands of members across the State of Maryland.

On behalf of the undersigned organizations, we ask for your favorable support of SB385, which would raise the duty of care for drivers in the vicinity of Vulnerable Road Users by adding up to 2 months incarceration to the menu of penalties.

Background on Vulnerable Road User Statute

In 2021, the Maryland Legislature unanimously passed the Vulnerable Road User (VRU) Bill HB118/SB293 to address the deadly trend of an increasing number of people outside of vehicles getting killed on Maryland roads. In 2024 there were approximately 570 people killed on Maryland roads and over 40% were VRUs (pedestrians, bicycle riders, motorcyclists, wheelchair users, emergency responders, etc). The law (Transportation Article 21-901.3) defines Vulnerable Individual (aka VRU) in statute and establishes a menu of higher penalties when drivers hit and injure or kill a VRU lawfully in or near the roadway. The law fills a gap between ordinary traffic offenses and the more serious vehicular homicide laws. The goal is to raise the duty of care for drivers in the vicinity of VRUs and reduce the number of crashes.

The current menu of penalties in 21-901.3 include:

Court Appearance and Fine

- Must appear in court
- May not prepay the fine
- Subject to a fine of up to \$2000

Motor Vehicle Safety Course and Community Service

- Participate in a safety course
- Perform up to 150 hours of community service

Suspension of Driver's License

The Administration shall suspend the driver's license of an individual convicted of a violation of subsection (b) of this section for at least 7 days but not more than 6 months.

2024 Langenkamp Bill for Safety of Cyclists in Bike Lane

In 2024 The Maryland House and Senate unanimously passed HB337/SB315 The Sarah Debbink Langenkamp Memorial Act which provides for incarceration up to 2 months for drivers who hit and injure or kill a person biking in a bike lane (Transportation 21-1209). This was to address the lack of incarceration as a potential penalty in the Vulnerable Road User law which was charged and convicted against the truck driver who hit and killed Sarah, a U.S. diplomat who was biking home from a meeting at her children's school. The incarceration up to 2 months was set to align with the same potential incarceration penalty for hitting and injuring or killing a person in a crosswalk under Transportation 21-502.

SB385 - Penalties - Why is This Important

This bill adds the same potential 2 month incarceration to the menu of penalties in the Vulnerable Road User statute 21-901.3 to align with the pedestrians in crosswalks and bicyclists in bike lanes penalties. Here is why this is important:

Safety for All VRUs: There is now a glaring inconsistency in MD traffic law with respect to protecting VRUs. Hitting and injuring a pedestrian in a crosswalk or a cyclist in a bike lane is subject to up to 2 months incarceration but hitting and injuring or killing a pedestrian, cyclist, emergency responder or wheelchair user lawfully in a shoulder, on a road with no shoulder or sidewalk would NOT be subject to that penalty.

Fairness to victims: A driver could hit and injure a pedestrian in a crosswalk or cyclist in a bike lane and face incarceration up to 2 months. A driver with the same degree of negligence could hit and KILL a cyclist lawfully riding on a shoulder or in a travel lane or a pedestrian or emergency worker and not face incarceration. Same degree of negligence, far worse consequence for the victim and yet a lesser penalty. This is unfair to victims and their families.

Deterrence: Maryland has seen an increasing proportion of VRUs injured and killed on our

roads. These higher penalties are a deterrent to careless and lethal driving in the vicinity of VRUs. It can be applied by the court on a case by case basis.

Maryland Commitment to Vision Zero: In 2024, app. 570 people were killed on Maryland roads and about 43% were VRUs (people outside a vehicle). Unfortunately this percentage has been rising and Zero Deaths Maryland has made VRU safety a priority area. There is a multi-prong strategy to reverse this trend that includes education, infrastructure design (Complete Streets), speed reduction, technology and others. Our laws must also align to address these preventable tragedies.

Please support a Favorable Report on SB385.

Baltimore Bicycling Club (BBC)

Baltimoreans for People-Oriented Places

Bicycle Advocates for Annapolis & Anne Arundel County (BikeAAA)

Bike HoCo

Bike Maryland

Bikemore

Maryland Eastern Shore Trail Network

Frederick Bicycle Coalition

National Federation of the Blind of Maryland

Talbot Thrive

Washington Area Bicyclist Association (WABA)

MGA 2025 Testimony Bill SB0385 (Injury or Death of

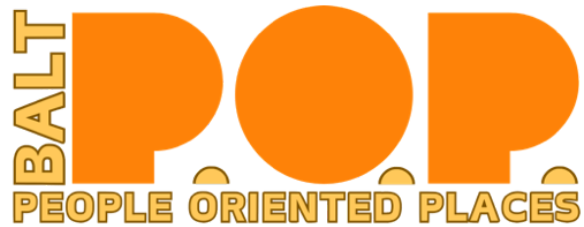
Uploaded by: Michael Scepaniak

Position: FAV

Bill: SB0385

Bill Title: Vehicle Laws - Injury or Death of Vulnerable Individual - Penalties

Position: **Favorable**



Members of the Senate Judicial Proceedings Committee,

As a group which advocates for a built environment which is safe and convenient for all people, whether they are moving through that environment on foot, on a bicycle, in a wheelchair, via public transit, or in an automobile, we support SB0385.

Maryland's roadways are not safe, especially for vulnerable road users (VRUs). Despite the Vision Zero efforts of the past several years, those roadways have actually gotten less safe - for everyone.

Specific to the Baltimore region, the Baltimore Regional Transportation Board (BRTB), on an annual basis, tracks five performance/safety measures to carry out the Federal Highway Administration's Highway Safety Improvement Program. The last of those five measures is "Number of Non-motorized Fatalities & Serious Injuries". The numbers for this measure are abysmal.

The 2023 number for this measure was **410**, which is a **41% increase** over the 2005-2009 baseline number of **290**. The Maryland Department of Transportation's (MDOT's) current target for this measure is **294 by 2030**. [1] In terms of VRU deaths and serious injuries, MDOT is hoping to basically get us back to where we were 20 years ago. That's not progress - that's standing still.

The vehicle speed at which a pedestrian has a 50/50 chance of suffering a serious injury is just 31 mph. They have the same odds of dying at 42 mph. [2] We suspect that most drivers aren't aware of the life-changing/ending damage they are easily and effortlessly capable of inflicting - even at what they would probably consider to be relatively low speeds.

To be clear, we agree with Strong Towns that we need to move beyond our fixation on assigning blame for automobile crashes on drivers. [3] Our current go-to tools of driver education campaigns, shaming incorrect behaviors, levying fines, and (with this bill) threatening imprisonment aren't going to get us to where we really want to be (Vision Zero).

We need to, instead, focus on a) better roadway designs that compel slower speeds and safer driving and b) truly **deprioritize** high vehicle speeds and automobile flow over the safety of

VRUs. But, institutionalizing the crash analysis practices that Strong Towns has proven out will take time, as will the subsequent culture changes. Until then, we have to work within the parameters of the system we have today. In that light, we are in favor of this bill.

Whenever we find ourselves behind the wheel, we need to be fully aware of the harm we can inflict. Making imprisonment a possibility when striking a VRU who is lawfully making use of the roadway - whether they are in a crosswalk, in a bike lane, or (with this bill) on a sidewalk or shoulder - should help us all keep that awareness more top of mind.

We hope the committee finds these points helpful and convincing and we urge its members to **vote in favor of SB0385**. Thank you for your efforts and the opportunity for us to testify on this legislation.

[BaltPOP - Baltimoreans for People-Oriented Places](#)

References:

[1] "RESOLUTION #25-19 - ADOPTING HIGHWAY SAFETY TARGETS FOR THE BALTIMORE REGION". BRTB. January 2025.

<https://baltometro.org/sites/default/files/BRTBRes25-19.pdf>

[2] Tefft, B.C. "Impact Speed and a Pedestrian's Risk of Severe Injury or Death". AAA Foundation for Traffic Safety. September 2011.

<https://aaaafoundation.org/impact-speed-pedestrians-risk-severe-injury-death/>

[3] Charles Marohn. "It's Time To Learn From Crashes and Create Safer Streets Today". October 30, 2024

<https://www.strongtowns.org/journal/2024/10/30/its-time-to-learn-from-crashes-and-create-safer-streets-today>

SB 385 - Injury or Death of Vulnerable Individual

Uploaded by: Sara Love

Position: FAV

SARA N. LOVE
Legislative District 16
Montgomery County

Judicial Proceedings Committee



James Senate Office Building
11 Bladen Street, Room 222
Annapolis, Maryland 21401
410-841-3124 · 301-858-3124
800-492-7122 Ext. 3124
Sara.Love@senate.state.md.us

THE SENATE OF MARYLAND ANNAPOLIS, MARYLAND 21401

SB 385 – Vehicle Laws – Injury or Death of Vulnerable Individual - Penalties

Chair Smith, Vice Chair Waldstreicher, colleagues on JPR.

According to the Maryland Department of Transportation, in 2024, 152 vulnerable road users were killed on Maryland roadways¹. The good news is that this number is down from 173 fatalities in 2023.² The bad news is that the 2024 statistic is still 152 too many, particularly as Maryland strives toward a Vision Zero goal of eliminating traffic fatalities and serious injuries by 2030.

SB 385 seeks to build upon prior legislation aimed at reducing the number of vulnerable road user injuries and deaths. It takes the next step in providing a deterrent for certain motorist behaviors by imposing the same stricter penalty on those convicted of causing injury or death to any vulnerable road user as for striking a cyclist in a bike lane: a sentence of up to two months in jail and/or a fine of as much as \$2,000.

Why is SB 385 so important? As defined in 2021 legislation sponsored by Vice Chair Waldstreicher and my crossfile on this bill Delegate Stein, vulnerable road users are all of us: pedestrians, cyclists, wheelchair users, those with a disability, first responders, and roadworkers – essentially anyone lawfully outside of a car on a roadway. Importantly, the bill also filled a gap in law for drivers convicted of seriously injuring or killing a vulnerable road user by establishing penalties that include a fine of up to \$2,000 (Transp. §21-901.3).

Last year, prompted by the inadequate maximum penalty allowed for the truck driver convicted of causing my constituent's tragic and fatal bike crash, I sponsored the Sarah Debbink Langenkamp Memorial Act. To send the clear message that Maryland takes traffic crashes involving cyclists seriously, this legislation set a stricter penalty including up to two months of jail time (aligning with Transp. §21-502) and/or a fine of up to \$2,000 (aligning with Transp. §21-901.3 discussed above.)

By extending the same maximum penalty for drivers convicted of striking a biker in a bike lane to all vulnerable road user crashes, SB 385 is the next logical step in encouraging safer driving, preventing deaths, and continuing to make progress toward our Vision Zero goal. For these reasons, I respectfully request your favorable report on SB 385.

¹ <https://zerodeathsmd.gov/>

² <https://zerodeathsmd.gov/>

VRU and Cyclist Transp Article Sections Love Testi

Uploaded by: Sara Love

Position: FAV

SB 385 Testimony Attachment
Code Provisions relating to vulnerable road users/cyclists

Md. Code, Transp. Article:

[21-901.3](#)

VRU (Vulnerable Road User) – defines vulnerable individual (includes pedestrians & cyclists).
May not cause serious injury or death to vulnerable individual.

Penalty: fine of up to \$2,000 and 150 hrs. community service

[21-502](#)

Pedestrian statute - must stop for pedestrians in crosswalks

Penalty: fine of up to \$1,000 and no more than 2 mo. In jail

[21-1209](#)

Cyclists – must give cyclists on the road 3-foot buffer; may not cause serious injury or death to a cyclist in a bike lane.

Penalty: fine of up to \$2,000 and no more than 2 mo. In jail